

# THE JEWS OF FRANCE AND GERMANY

## POLITICS AND COMMUNITY - 12TH -13TH CENTURIES

### Church vs Monarchy

The position of the Jew in feudal society was most tenuous. The Jews of Europe were denied feudal tenure because they could not pledge troth to Christianity. Since their status had to be regularized in some way, they were eventually awarded the dubious distinction of “Serfs of the Royal Chamber”, a legal notion that first surfaced in the 1230’s in the laws of Frederick II of Hohenstaufen. Frederick II was the Holy Roman Emperor whose domains included the extensive Jewries of Sicily and Germany. This designation had two important effects - 1) making his Jews, in effect, the property of the ruling sovereign, so that hostile actions against them were actions against the crown. This provided the Jews a certain degree of protection, at least in theory. But 2) since the Jews were the property of the ruling sovereign, he could appropriate their wealth to whatever extent he wished, whether in taxes or through outright confiscation. The monetary demands of the sovereigns were generally quite harsh, but they tended not to take everything. This would have left the Jews destitute, and therefore unable to provide further revenue.

The religio-legal definition of the Jew was a major point of contention between medieval popes and emperors. The 13th century saw renewed Interest in the fractious civil code of ancient Rome and the broadly philosophical teachings of Aristotle. Both these influences tended to obscure the division between the strictly spiritual and the temporal. Popes increasingly exercised direct control in both realms, asserting the overriding position of apostolic powers. This was especially true of Innocent III, Gregory IV, and Innocent IV.

The emperors, particularly Frederick II, rejected ecclesiastical claims to political authority. This vigorous challenge eventually

caused Frederick to be excommunicated, once in 1227 and again in 1239. Later on, Pope Gregory IV and Frederick engaged in a heated dispute over the management, religious and social implications, and foundations of collective polities. They debated their relative authorities as to the nature of their direction and oversight. The battle continued through the 13th century, with the status of the Jew a recurrent focus of this ongoing debate.

### Jewish Population Statistics

In his Book of Travel (Sefer HaMassaot), the famous medieval traveler, Benjamin of Tudela, writes that at the end of the 12th century there were 6,000 Jews in the six major communities of France. Benjamin ben Jonah was a resident of Tudela in the northern part of the Spanish Peninsula. Having gathered a tidy sum as a merchant, Benjamin felt that he could indulge himself in the way he had always dreamed, and in 1160 he set out on a leisurely journey. He went across southern France into Northern Italy and gradually made his way further south. Then he went over to Greece and from there into Asia and then into North Africa. His trip consumed 13 years, so that he returned home in 1173. There were other Jewish travelers of that day, particularly Jewish merchants who traveled eastward on business. What made Benjamin unique was that he kept a diary. He did not record in it all the experiences that he encountered, but limited himself to giving the best information he could obtain on the Jews of the various places he visited. He recorded their number, their economic conditions, their learning or ignorance, and the manner in which they lived. As a result, his diary is one of the most important sources of our knowledge about the Jews of his day.

By the end of the 13th century, some 150 locales in France boasted of Jewish settlements. Then in the early 14th century (1306), 100,000 Jews were officially expelled, although many were then welcomed back. The Black Death of 1348 further reduced the Jewish population. And in 1394-1395 another major expulsion occurred, so that only about 25,000 Jews then remained.

As for Germany there were about 20 communities at the time of the First Crusade. We glean this information from the Hebrew Chronicle of Solomon ben Shimshon, and the Christian chronicles of Albert of Aix and Ekkehard of Aura. These Jewish communities existed mainly in the Rhine area (Speyer, Worms, Mainz, and Cologne), plus others in the northeast (Magdeburg and Halle). There was also a major community in Regensburg in southern Germany. On the basis of the Crusade chronicles it would appear that Mainz had no more than 1,300 Jews, while Cologne had roughly 2,000. The total number of Jews in Germany was estimated to be no more than 20,000.

### Community Organization and Administration

The Jews of Ashkenaz took pride in governing themselves. The power of self government brought with it important benefits, but also significant responsibilities. The concept of self-government was based upon precedents originating in Israel and Babylonia. These roots of Jewish communal organization may be found in both the Mishnah and the Talmud. Over the millenium this precedent was never wholly abandoned.

It was of great importance to the communities of Ashkenaz whether community decisions required unanimity, or the agreement of the majority. It was the view of Rabbeinu Tam (1110-1171), a grandson of Rashi and the leading rabbinic figure of the 12th century, that once the leaders of a community had determined weights, measures, prices, and wages, this empowered them to act upon and penalize any violations of the community's practice. Violations of the rules, however, required the unanimous agreement of the community. Another 12th century scholar, R. Eliezer ben Yoel HaLevi (Rabiah) disagreed and held that communal decisions only needed majority consent - not unanimous agreement. R.Meir of Rothenberg (1215-1293), the great leader of German Jewry in

the 13th century, took the opposite approach and accepted the view of Rabbeinu Tam.

The communities in France and Germany were administered by elected officials, usually selected from among the wealthy. The community at large showed their support for them by making their own financial contributions to help meet communal needs. These officials of the community were responsible for maintaining the principles of justice as set forth in Jewish law. This responsibility was usually given to the most scholarly of the elected leaders.

From time to time the communal leadership needed to enact new legislation, called Takkanot. All members of the community were compelled to obey these new regulations. This power, however, was sometimes limited in order to protect the rights of the individual under Jewish law. Taxation was an especially important area of concern for the community leaders. One of the instruments they used to enforce their decisions was the power of herem. One upon whom excommunication was declared would be entirely excluded from the religious life of the community and would be totally ostracized socially. He could not be counted for a minyan, his male children would be denied circumcision, he would be denied burial in the Jewish cemetery, and business dealings with him were forbidden.

In Germany, a significant development of communal institutions took place in the wake of the First Crusade. The communal leaders used to gather on market days and issue takkanot in many areas of life - takkanot that would be binding on individual communities or groups of communities. The main purpose of such takkanot was to strengthen religious life and to provide opportunities for increased Torah study. There were also takkanot aimed at enhancing communal life. For example, everyone was obligated to pay taxes and prohibited from making false statements, and the officials had the right to shift funds around when the good of the community required this. The authority of the local leaders was strengthened by making it unacceptable for anyone to seek tax exemptions from non-Jewish

officials, to take disputes into non-Jewish courts, or to pursue divorce rulings or excommunication rulings outside the local community.

### Synods

In post-Crusade France and Germany, the many local Jewish communities began to work together. It was in this period that the first synods, or gatherings of representatives from different communities, were held to discuss the issues of the time. Under the leadership of Rabbenu Tam synods were convened and takkanot were enacted. Among other things, the synods ruled that prayer services could be interrupted at any point by someone who felt that he had been humiliated and defamed before a non-Jew by a fellow Jew, that anyone who had lived in a community for a month could be required by that community to pay taxes, and that it was forbidden to remove a tallis or mahzor from a synagogue without the owner's permission. Later synods considered other issues of importance. In 1215 a meeting was held to discuss how to deal with the rulings of the Fourth Lateran Council concerning the Jews.

Rabbinic gatherings were also held in Germany during the 13th century and thereafter. A major issue confronted by the 1196 synod was that of yibum, which requires a widow to marry her late husband's brother if she has no children, and that of halitzah, the ceremony that frees the widow from this obligation. The German rabbis favored the use of halitzah, because otherwise widows would not be able to remarry the man of their choice.

Three more synods were convened between 1200 and 1223. At the first of these it was declared that Jews were not permitted to cut their hair or shave their beards in the style of non-Jews. Nor could they gamble, divorce their wives without the consent of the community, or refuse to perform halitzah. In addition, every community member was required to pay taxes to support all communal institutions. The 2nd synod confirmed the above measures and added that one could not use the utensils of non-Jews for Jewish wine, and could not eat food cooked by non-Jews. Every Jew was

also obligated to set aside a fixed time for study, and synagogue services were to be carried out with decorum. The 3rd synod reenacted and confirmed the decisions of the previous two.

The synod of Mayence (Mainz) in 1250 focused on the issue of harem. The delegates prohibited any rabbi from declaring a harem without communal consent, and prohibited any community from declaring a herem without the consent of its rabbi.

The synod of 1280 was convened in Nuremberg and was led by the great R. Meir of Rothenberg. The major issue was that of a woman who leaves her husband with the permission and encouragement of family members. The synod decided that such a woman would lose all her property, and all right to support from her husband as guaranteed in her ketubah. In addition her husband was permitted to divorce her even against her will.

### Communal Functions and Services

The communities of Ashkenaz were governed internally by a community board known as a kahal. Smaller communities were administered by only one official, while larger ones had several officials, including parnassim (aldermen), gabbaim (supervisors), etc. There were also representatives whose primary task was to represent a community, a region, or even the entire country in dealing with the king, the nobles, or church officials. The title Rav was in use by the 12th century, although the authority of a rav took a bit longer to be fully defined. Large communities had rabbanim who functioned as dayyanim (judges) administering civil law plus roshei yehivot who served as religious guides. Other paid community officials included hazzanim, shammashim, and shohetim (ritual slaughterers).

The communities of Ashkenaz provided religious, educational, judicial, financial, and social welfare services. Religious needs focused on the synagogues which served as places for prayer, but also functioned as community centers. Religious leaders were expected to oversee the

cemetery, supervise kosher meat slaughter, and maintain the town's mikveh. Community schools were supervised, with taxes imposed when deemed necessary, and libraries were also established.

In northern France in the 12th century the principle of "herem bet din" was established. This principle meant that any local court could compel a resident of any other community to litigate before it. No appeals to outside authorities could be made, and each individual community would hold final authority. An additional power was that of herem - religious, social, and economic - , and it was used widely. Additionally, the finances of Jewish towns were under the control of their leaders who served as the fiscal agents of the local ruler. These leaders, in turn, were then responsible for collecting the taxes imposed upon the Jews.

Finally, social-economic services were provided to Jews by their individual communities. Ordinances were passed against mixed dancing, gambling, and any violations of family purity (Taharat HaMishpachah). Charity was made available to those who needed it, for food, clothing, and shelter, especially for widows and orphans. The sick were supplied with medical care and any necessary medications, and visiting the sick (Bikur Cholim) was also regarded as an important mitzvah obligation.

Thus all the trappings of a social welfare community were well established by the end of the 13th century. All the needs of the kahal's individual members were well provided for. The Jewish community took care of its own.